
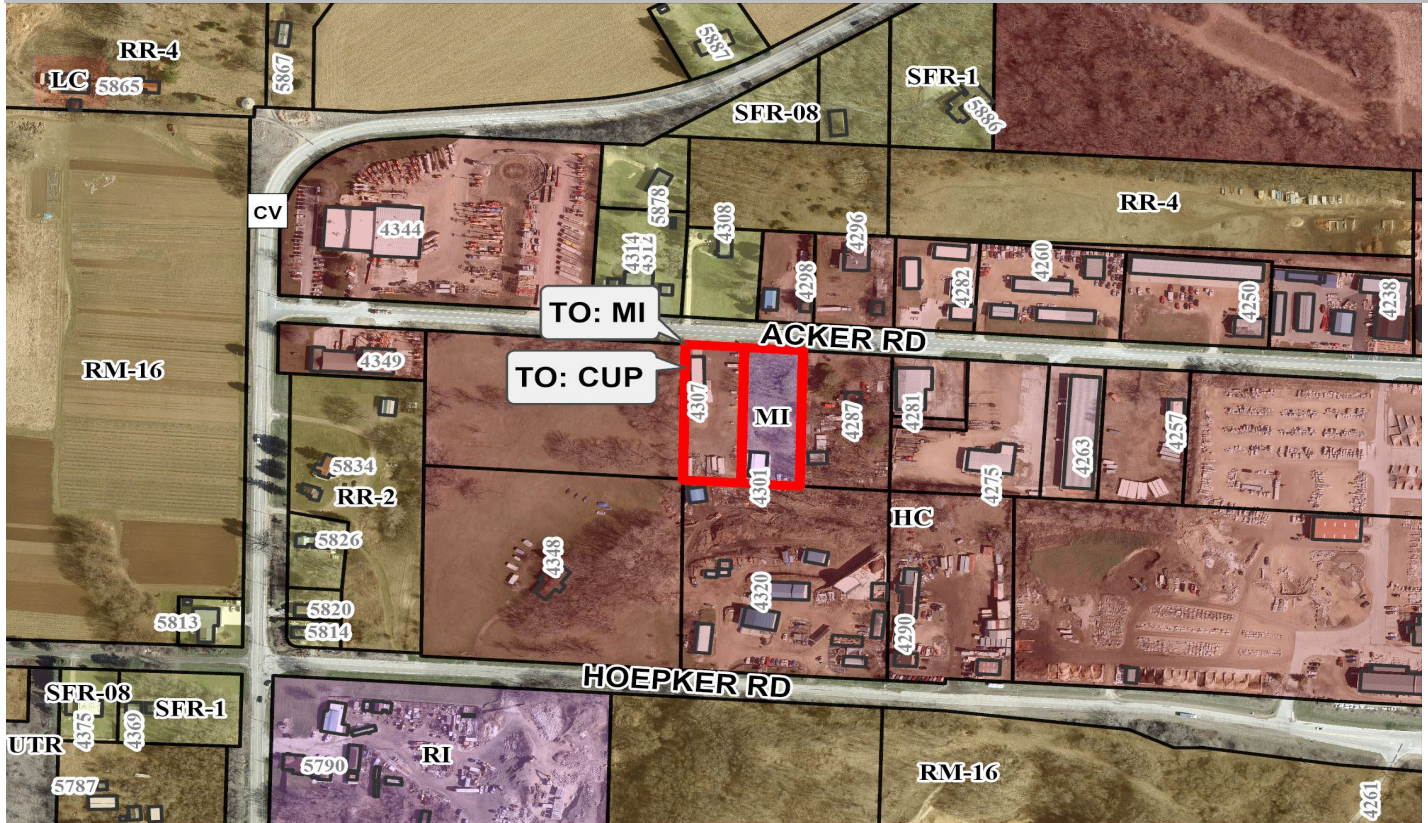


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>September 26, 2023</b>		<b>Petition 11976</b>
	Zoning Amendment Requested: <b>HC Heavy Commercial District TO MI Manufacturing and Industrial District</b>		Town/Section: <b>BURKE, Section 8</b>
	Size: <b>0.942 Acres</b>	Survey Required: <b>No</b>	Applicant <b>ZACHARY BRUMM</b>
	Reason for the request: <b>Zoning to allow for Type 1 salvage yard business</b>		Address: <b>4307 ACKER RD</b>



**DESCRIPTION:** Applicant requests approval of MI (Manufacturing and Industrial) zoning for the existing ~1 acre parcel located at 4307 Acker Road, between County Highway CV and US 51 in the Town of Burke. The MI zoning is requested to allow the operation of a “Type 1” salvage operation, which is proposed under related Conditional Use Permit [petition #2604](#) and would expand the current salvage operation at 4301 Acker Road.

According to information on the [Wisconsin DMV website](#) regarding salvage dealer licenses, a type 1 salvage yard, “...dismantles vehicles and sells parts. Dealership facilities include an office and a yard.”

**OBSERVATIONS:** The subject property is currently zoned HC (Heavy Commercial). The previous owner used the property for vehicle storage. Surrounding land uses are a mix of heavy commercial, outdoor storage, open space, and rural residential. No sensitive environmental features observed. The property is located in a defined “protected area” in the town / city cooperative plan (areas not subject to early attachment to the city). The property will eventually be attached to the City of Madison in 2036.

Rezoning to the MI zoning district are subject to the requirements of section 10.280 of the county zoning code, which prohibits the county board from zoning land to the MI district that is wholly or partially within a zone of contribution of a municipal well, and also authorizes imposition of greater setbacks, lot widths, etc., where necessary to minimize impacts on adjoining properties. The property is not located wholly or partially within zone of contribution.

In the Chapter 10 zoning ordinance, which was recently updated by 2023-OA 009 in August to clarify the language regarding salvage businesses, a “salvage operation” includes any use requiring a motor vehicle salvage dealer’s license under Wis. Stat. s.218.205. This definition excludes operations that hold a scavenger license, solid waste recycling centers, composting facilities, or processing operations meeting the definition of an agriculture-related use.

The proposed Type 1 salvage license would allow the storage and dismantling of vehicles on the property and sales of parts. According to the application, the operation would involve mostly sales of parts over the internet, with little retail traffic.

The adjacent property owned by the applicant at 4102 Acker Road already contains a salvage operation, after [Rezone petition #11867](#) and [CUP petition #2570](#) were approved in 2022. The current salvage property is deed restricted by recorded document #5875632 which was required as a condition of rezone 11867. The restriction limits business signage and limits the allowable land uses to:

- Contractor, landscaping or building trade operations;
- Indoor storage and repair;
- Indoor sales;
- Light industrial uses;
- Off-site parking lot or garage;
- Office uses;
- Outdoor sales, display or repair
- Outdoor storage;
- Personal or professional service;
- Utility services;
- Vehicle repair or maintenance services;
- Salvage recycling operations

**COMPREHENSIVE PLAN:** The property is located in the town’s Industrial / Business planning area. The town plan provides the following description:

**Industrial / Business**

*Description:* This future land use category includes indoor manufacturing, warehousing, distribution, and office uses, with outdoor storage areas. Also included in this category or uses like retail sales or service businesses, medical, dental and veterinary clinics, banks, offices, and office buildings, to list a few.

**CITY OF MADISON PLAN:** The property is covered by the City of Madison’s Hanson Road Neighborhood Development Plan. The plan designates the property and surrounding area as “Industrial”. Unless the proposal will involve the construction of more than one principal building, it will not constitute “development” as the term is defined by the [town/city cooperative plan](#). It does not appear City of Madison review will be required for the project. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com))

**RESOURCE PROTECTION:** Proposed development has an approved erosion control and stormwater management plan from Dane County Land and Water Resources; however the applicant must provide a maintenance agreement and financial security instrument before permits can be issued.

**TOWN ACTION:** On September 20, 2023 the Town Board recommended approval of the rezone conditioned on the applicant obtaining approval from Dane County and the City of Madison.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval of the rezone subject to the following conditions:

Owner shall record a new deed restriction on both properties (parcel 081008494501 and 081008494403) that states the following:

1. Land uses on the property shall be limited exclusively to the following:
  - a. Contractor, landscaping or building trade operations
  - b. Indoor storage and repair
  - c. Indoor sales
  - d. Light industrial uses
  - e. Off-site parking lot or garage
  - f. Office uses
  - g. Outdoor sales, display or repair
  - h. Outdoor storage
  - i. Personal or professional service
  - j. Utility services
  - k. Vehicle repair or maintenance services
  - l. Salvage operations
  
2. Any signage on the property shall comply with both section 10.800 of the Dane County Code of Ordinances (Dane County Sign Ordinance) and applicable city of Madison sign regulations, as specified in the *Town of Burke, Village of DeForest, City of Sun Prairie, and City of Madison Cooperative Plan*. In the event of a conflict between the Madison and Dane County sign regulations, the more restrictive regulations shall apply.

Any questions about this petition or staff report please contact Roger Lane at (608) 266-9078 or [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)